

Message Text

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ORIGIN EB-07

INFO OCT-01 AF-10 EUR-12 ISO-00 L-03 JUSE-00 INT-05
AID-05 CIAE-00 COME-00 FRB-03 INR-07 NSAE-00
USIA-06 TRSE-00 XMB-02 OPIC-03 SP-02 LAB-04
EPG-02 SIL-01 OMB-01 NSC-05 SS-15 STR-04 CEA-01
H-01 /100 R

DRAFTED BY EB/IFD/BP:TASCHLENKER:VJW
APPROVED BY EB/IFD:CMEISSNER
EB/IFD/BP - HJWINTER
EUR/CAN - DBLAKEMORE
EUR/NE - SWORREL (SUBS)
EUR/RPE - RBRESLER
L/EB - SBENSON
JUSTICE - RLARME

-----132255Z 054979 /64

P R 132140Z JUN 77
FM SECSTATE WASHDC
TO AMEMBASSY LONDON PRIORITY
AMEMBASSY OTTAWA PRIORITY
INFO AMCONSUL CAPE TOWN
AMEMBASSY PRETORIA
AMCONSUL JOHANNESBURG
AMCONSUL HAMILTON
AMCONSUL TORONTO
AMEMBASSY BRUSSELS
AMEMBASSY PARIS

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USEEC, USOECD

E.O. 11652: N/A

TAGS: ETRD, US
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SUBJECT: ANTITRUST: INVESTIGATION OF PLATINUM INDUSTRY

REF: STATE 93871

1. BRITISH EMBASSY INFORMED DEPARTMENT JUNE 9 THAT HMG
HAD INVOKED ITS 1964 SHIPPING CONTRACTS AND COMMERCIAL

DOCUMENTS ACT PROHIBITING JOHNSON MATTHEY AND COMPANY FROM COMPLYING AT THIS TIME WITH THE DEPARTMENT OF JUSTICE (DOJ) CIVIL INVESTIGATIVE DEMAND (CID) SENT TO THAT COMPANY IN APRIL. TO FACILITATE JOHNSON MATTHEY'S COMPLIANCE AND CONSULTATIONS WITH HMG IF DESIRED, DOJ HAD MOVED BACK THE DEADLINE FOR RAISING OFFICIAL OBJECTIONS FROM JUNE 10 TO JULY 1 AND THE DATE FOR COMPLYING WITH THE CID FROM JUNE 20 TO AUGUST 1.

2. IN ADDITION TO RAISING FUNDAMENTAL OBJECTIONS TO THE EXTRATERRITORIAL REACH OF U.S. ANTITRUST INVESTIGATIONS, SPECIFIC QUESTIONS WERE ASKED ABOUT THE NATURE OF THE PLATINUM INVESTIGATION (I.E., IS THE THRUST PRICE FIXING, CORPORATE STRUCTURE, OR INDUSTRIAL STRUCTURE?), WHERE EXACTLY BERMUDA FITS INTO THE PICTURE, AND WHETHER JUSTICE WAS LOOKING INTO THE ROLE OF THE OTHER LARGE WORLD PLATINUM PRODUCER, THE SOVIET UNION. JUSTICE WILL BE ADDRESSING

THESE QUESTIONS AND WE WILL THEN MEET FURTHER WITH THE BRITISH EMBASSY. WE WILL ALSO BE CONSIDERING THE POSSIBILITY OF CONSULTATIONS WITH THE BRITISH ON BROADER ANTITRUST PROBLEMS SUCH AS EXTRATERRITORIALITY.

3. ON JUNE 2, AN ORAL PROTEST WAS MADE BY THE BRITISH EMBASSY ABOUT THE LACK OF ADVANCE NOTICE UNDER THE OECD PROCEDURE. IT WAS EXPLAINED THAT THE DEPARTMENT WAS ITSELF ONLY NOTIFIED AT THE LAST MINUTE BEFORE THE CIDS WERE PUT IN THE MAIL. JUSTICE PROVIDED AN ORAL APOLOGY WHICH BRITISH ACCEPTED. UK CONCERN WAS ALSO LIMITED OFFICIAL USE

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EXPRESSED ABOUT THE NATURE OF THE CID WHICH, UNDER THE PROVISIONS OF THE ANTITRUST IMPROVEMENTS ACT OF 1976, NOW HAS THE FORCE OF A SUBPOENA AND CAN BE ENFORCED UNDER COURT ORDER.

4. DOJ IS SEPARATELY IN CONTACT WITH THE AMERICAN LAWYER REPRESENTING JOHNSON MATTHEY, THE BRITISH PARENT, AND ITS TWO WHOLLY-OWNED U.S. SUBSIDIARIES. THE U.S. SUBSIDIARIES WILL NOT RPT NOT BE BOUND BY THE BRITISH PROHIBITION ON DOCUMENT COMPLIANCE.

5. FOR OTTAWA: TO OUR KNOWLEDGE, NO CANADIAN OBJECTIONS HAVE BEEN RAISED ABOUT THE ISSUANCE OF A CID TO INTERNATIONAL NICKEL, WHICH IS PRESENTLY IN CONTACT WITH JUSTICE THROUGH ITS ATTORNEY. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INVESTIGATIONS, BUSINESS FIRMS, PLATINUM, MONOPOLIES
Control Number: n/a
Copy: SINGLE
Sent Date: 13-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE136592
Document Source: CORE
Document Unique ID: 00
Drafter: TASCHLENKER:VJW
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770210-1255
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770662/aaaaccgx.tel
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TAGS: ETRD, US
To: LONDON OTTAWA
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